

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 7/21/2008 Monday Dept: 1A

(Posted 7/17/08)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF6991 [M] BASS & SONS v REDENBAUGH
Type: BREACH OF CONTRACT Date Filed: 01/03/06
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLF/XD: BASS & SONS CONSTRUCTION AND WAST ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 00/00/00 Answer Date: 03/02/06
DEF/XC: REDENBAUGH CONSTRUCTION ATTY: TRIEBSCHE & FRAMPTON
Service Date/Type: 01/20/06 S/M Answer Date: 02/14/06
DEF/XC: REDENBAUGH, SCOTT ATTY: TRIEBSCHE & FRAMPTON
Service Date/Type: 01/20/06 S/M Answer Date: 02/14/06
DBA: REDENBAUGH CONSTRUCTION
DEF/XC: REDENBAUGH, NICKOLAUS MILES ATTY: TRIEBSCHE & FRAMPTON
Service Date/Type: 01/13/06 PRS Answer Date: 02/14/06
DBA: REDENBAUGH CONSTRUCTION
X-DEFT POOLE, MATT ATTY: WILLIAMS, CHRISTOPHER D. ESQ
Service Date/Type: 12/27/07 PER Answer Date: 02/20/08
X-DEFT PETERS, ROBIN ATTY: GRATHWOHL RAUCH & COHEN PC
Service Date/Type: 12/28/07 SUB Answer Date: 02/20/08
X-DEFT BETA ENGINEERING INC ATTY: WILLIAMS, CHRISTOPHER D. ESQ
Service Date/Type: 01/17/08 PER Answer Date: 02/20/08

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants (and cross defendants) have filed responsive pleadings, Plaintiff (and cross complainant) is ordered to file defaults or dismissals of all defendants (cross-defendants). The CMC is set for Dept 1A at 1:00 PM on 9/22/08.

///

2. 1:00 PM Case: CF7944 [M] PASTORE v BETTCHER
Type: COLLECTIONS Date Filed: 03/04/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
08/18/08 0:00 2 TICKLER RE: EXHIBIT DESTRUCTION NOTICE
FILE TO DOREEN/JEANNINE

PLNTFF: PASTORE, JAMES ATTY: WEISBERG, MICHAEL ESQ
DEFNDT: BETTCHER, MARK J.
Service Date/Type: 03/30/08 PER 00/00/00
DEFNDT: BETTCHER, CELIA L.
Service Date/Type: 03/31/08 SUB 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 10/27/08.

3. 1:00 PM Case: CF8041 [M] HERTZIG v LONG
Type: BREACH OF CONTRACT Date Filed: 05/12/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
10/06/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: HERTZIG, JOHN ATTY: FOLEY, KENNETH M ESQ
DEFNDT: LONG, ROBERT
I/DBA: BLAST

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

4. 1:00 PM Case: CF8044 [M] ROUTH v RUTHERFORD
Type: BREACH OF CONTRACT Date Filed: 05/05/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
10/06/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: ROUTH, DAN ATTY: FRUMKIN INC, ALLEN R.
PLNTFF: DAN ROUTH CONSTRUCTION ATTY: FRUMKIN INC, ALLEN R.
DEFNDT: RUTHERFORD, TERRI

Tentative Ruling: No summons has issued in this matter. Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

///

5. 1:00 PM Case: CV32684 [S] CALIFORNIA PARKS v GRADO
Type: OTHER NON PI, PD, WD TORT Date Filed: 05/18/06
Priority Info: STAYED-BANKRUPTCY
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
STATUS OF BANKRUPTCY

PLNTFF: CALIFORNIA PARKS COMPANIES ATTY: SELLAR HAZARD MANNING FICENEC
DBA: URBAN PARK CONCESSIONAIRES
DEFNDT: GRADO, KATHY ATTY: LEVINSON, LAW OFFICE OF BARRY
Service Date/Type: 08/25/06 S/M Answer Date: 09/28/06
AKA: MCINTOSH, KATHY

Tentative Ruling: The defendant's bankruptcy proceeding has delayed this action.
The next Case Management hearing shall be in Dept. 1A at 1:00PM on 10/27/08.

6. 1:00 PM Case: CV33421 [S] RODRIGUEZ v FERRARI, ETAL
Type: BREACH OF WARRANTY Date Filed: 02/08/07
Priority Info: DEFAULT SET ASIDE 05-29-07
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: RODRIGUEZ, MARTIN ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
PLNTFF: RODRIGUEZ, MARIA E. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
XD/XC ALVARES, DIANA ATTY: NORTON ADAMS & DOWNEY LLP
Service Date/Type: 00/00/00 Answer Date: 01/18/08
XD/XC CHINCHIOLO REALTORS ATTY: NORTON ADAMS & DOWNEY LLP
Service Date/Type: 11/13/07 PER Answer Date: 01/18/08
DEF/XC: RE-MAX IN THE COUNTRY ATTY: CARLSON LAW GROUP
Service Date/Type: 02/01/08 PER Answer Date: 03/27/08
DEF/XC: LAMANNA, CATHERINE ATTY: CARLSON LAW GROUP
Service Date/Type: 00/00/00 Answer Date: 03/27/08
DF/X-D: JACKSON, JENNIFER ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 04/02/07 PER Answer Date: 05/16/07
DF/X-D: STEELY PUMP SERVICE ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 04/02/07 PER Answer Date: 05/16/07
D/XD/XC FERRARI, MARJORIE ATTY: WILLIAMS, CHRISTOPHER D. ESQ
Service Date/Type: 04/11/07 PER Answer Date: 06/04/07

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants (and cross defendants) have filed responsive pleadings, Plaintiff (and cross complainant) is ordered to file defaults or dismissals of all defendants (cross-defendants). The CMC is set for Dept 1A at 1:00 PM on 10/27/08.

///

7. 1:00 PM Case: CV33600 [S] COLLINS v FOGGIATO
Type: BREACH OF CONTRACT Date Filed: 04/09/07
Priority Info: RECLASSIFIED FROM CF7453
Event: TRIAL SETTING

Related cases NOT on this calendar: CF7453 ,
PLF/XD: D. COLLINS DEVELOPMENT INC ATTY: BROWN, ROGER A. ESQ
Service Date/Type: 00/00/00 Answer Date: 04/20/07
DBA: COLLINS DEVELOPMENT ASSOC: HARDIMAN & CARROLL
DEF/XC: FOGGIATO, JOHN ATTY: GERMAIN LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 04/05/07
ASSOC: GREENWELL, PATRICK B. ESQ
DEF/XC: FOGGIATO, DONNA ATTY: GERMAIN LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 04/05/07
ASSOC: GREENWELL, PATRICK B. ESQ
DEF/XC: SALVI, KEN ATTY: GERMAIN LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 04/05/07
ASSOC: GREENWELL, PATRICK B. ESQ

Tentative Ruling: Demurrer was sustained. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 10/27/08.

8. 1:00 PM Case: CV33868 [S] KEYES v RUTHEL, ETAL
Type: BREACH OF CONTRACT Date Filed: 07/09/07
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLF/XD: KEYES, KENNETH W. ATTY: GONZALES, LAW OFFICES
Service Date/Type: 00/00/00 Answer Date: 10/23/07
DEF/XC: RUTHEL, ROD ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 07/27/07 PER Answer Date: 09/17/07
DEF/XC: SCHMIDT, SUZZANE ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 00/00/00 Answer Date: 09/17/07

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

///

9. 1:00 PM Case: CV34045 [S] SWEENEY v BURROWS
Type: QUIET TITLE Date Filed: 09/06/07
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

Related cases NOT on this calendar: CV34270 ,
PLNTFF: SWEENEY, MARK ATTY: MCDONOUGH HOLLAND & ALLEN
PLNTFF: SCOLARI, DIANE ATTY: MCDONOUGH HOLLAND & ALLEN
AKA: SWEENEY, DIANE
PLNTFF: MIHALY, ARPAD ATTY: MCDONOUGH HOLLAND & ALLEN
PLNTFF: MIHALY, DOROTHY ATTY: MCDONOUGH HOLLAND & ALLEN
PLNTFF: HAGEDORN, ALAN ATTY: MCDONOUGH HOLLAND & ALLEN
PLNTFF: HAGEDORN, GRECILDA ATTY: MCDONOUGH HOLLAND & ALLEN
AKA: HAGEDORN, GHEE
PLNTFF: DUNN, TIMOTHY ATTY: MCDONOUGH HOLLAND & ALLEN
PLNTFF: DUNN, LUCY ATTY: MCDONOUGH HOLLAND & ALLEN
DEFNDT: BURROWS, HOWARD ATTY: SEGERSTROM, KATE POWELL ESQ
Service Date/Type: 10/25/07 PER Answer Date: 12/17/07
DEFNDT: ALL PERSONS UNKNOWN

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 3 court trial.

10. 1:00 PM Case: CV34159 [S] BEHM v PADEN, ET AL
Type: PI-NON MOTOR VEHICLE Date Filed: 10/19/07
Event: TRIAL SETTING

PLNTFF: BEHM, JAMES N ATTY: MILWARD, LAW OFFICES OF MICHA
DEFNDT: PADEN, RON ATTY: FIELD & SANDERS
Service Date/Type: 12/17/07 CER Answer Date: 01/22/08
DBA: PADEN TIMBER SERVICES
DBA: PADEN TIMBER SOURCE
DEFNDT: PADEN TIMBER SERVICES ATTY: FIELD & SANDERS
DEFNDT: PADEN TIMBER SOURCE ATTY: FIELD & SANDERS

Tentative Ruling: Defendant has recently retained new counsel. The next Case Management/Trial Setting hearing shall be in Dept. 1A at 1:00PM on 10/27/08.

///

11. 1:00 PM Case: CV34488 [S] BUREAU VERITAS v DEVELOPERS MARINA RID
Type: BREACH OF CONTRACT Date Filed: 03/07/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BUREAU VERITAS NORTH AMERICA INC ATTY: TURNER LIU LLP
DEFNDT: DEVELOPERS MARINA RIDGE
DEFNDT: MARINA RIDGE LLC
DEFNDT: DOUBINSKI, LEONID

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/17/08.

12. 1:00 PM Case: CV34700 [S] ODYSSEY LANDSCAPING v VISTA HOMES INC ETAL
Type: BREACH OF CONTRACT Date Filed: 05/14/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
10/06/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: ODYSSEY LANDSCAPING COMPANY INC. ATTY: ATKINSON ANDELSON LOYA RUUD &
DEFNDT: VISTA HOMES INC.
Service Date/Type: 06/09/08 PER 00/00/00
DEFNDT: REYNEN, JOHN
DEFNDT: MCCULLOCH, ELIZABETH
Service Date/Type: 06/09/08 PER 00/00/00
DEFNDT: REYNEN, CHRISTO
Service Date/Type: 06/10/08 SUB 00/00/00
DEFNDT: BANK OF AMADOR
AKA: AMERICAN RIVER BANK INC.

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

13. **2:00 PM** Case: CV32467 [S] O'NEILL v O'NEILL
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/06/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: O'NEILL, ROBERT C ATTY: CALDERWOOD, BRUCE G ESQ
RESP: O'NEILL, CHRISTI L ATTY: PAGE, HELEN O. ESQ
Service Date/Type: 00/00/00 Answer Date: 06/19/06

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 9/22/08.

///

14. 2:00 PM Case: CV33079 [S] LEONARD v TANGE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/16/06
At-Issue Date: 00/00/00 Trial: 04/02/08 COURT TRIAL - LONG CAUSE
Event: FURTHER CASE MANAGEMENT CONF-REMAINING P= 8
ISSUES
10/17/08 0:00 9 TICKLER RE: PREPARE EXHIBIT DESTRUCTION
FROM COURT TRIAL HELD 04-02-08 THROUGH
05-29-08??

Related cases NOT on this calendar: CV33994 ,
PETNR: LEONARD, MICHAEL ATTY: IN PRO PER
MINOR: LEONARD MINOR P.D.: RUSSO, ARLEEN ESQ
RESP: TANGE, DEBRA ANN ATTY: HARRIS & PERISHO
Service Date/Type: 10/20/06 PRS Answer Date: 11/08/06
ASSOC: MARSHALL & MARSHALL

Tentative Ruling: There is a custody judgment in this matter. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/27/08.

15. 2:00 PM Case: CV34265 [S] POORTINGA v POORTINGA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/03/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8
08/12/08 9:00 1 PETITIONER'S MOTION FOR CHILD CUSTODY,
VISITATION, SUPPORT AND FOR BIFURCATION

Related cases NOT on this calendar: CV34224 , CV34833 ,
PETNR: POORTINGA, JOSETTE ROCHELLE ATTY: IN PRO PER
RESP: POORTINGA, STEVEN RICHARD ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 12/11/07 PER Answer Date: 01/03/08

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) at 3:00 PM in Dept. 1A on 9/22/08.

16. 2:00 PM Case: CV34281 [S] SLONIKER v SLONIKER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/10/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: SLONIKER, SARI ANN ATTY: BECHELLI, LAW OFFICES
RESP: SLONIKER, PETER RUSSELL ATTY: GEE, DOUGLAS M. ESQ
Service Date/Type: 12/12/07 PER 00/00/00

Tentative Ruling: Petitioner requests a settlement conference. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) at 3:00 PM in Dept. 1A on 10/27/08. If the disclosures are not filed more than 15 days prior to the hearing, the matter will revert to case management.

///

17. 2:00 PM Case: CV33508 [S] MITCHELL v MITCHELL
Type: DISSOLUTION WITHOUT MINOR CHILDREN Date Filed: 03/07/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: MITCHELL, DOROTHEA ATTY: IN PRO PER
RESP: MITCHELL, DONALD
Service Date/Type: 02/20/08 PER 00/00/00

Tentative Ruling: The Default of the respondent has been entered. Petitioner must go to the clerk's filing window to schedule a "Default Prove-Up" hearing. Petitioner must attend that brief hearing and submit the Judgment (FL-180) and Notice of Judgment (FL-190) papers. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/27/08.

18. 2:00 PM Case: CV34271 [S] PETERSEN v PETERSEN
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 12/07/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: C12474 , CV32793 ,
PETNR: PETERSEN, KARMEN M ATTY: IN PRO PER
RESP: PETERSEN, WILLIAM T
Service Date/Type: 12/17/07 PER 00/00/00

Tentative Ruling: The Default of the respondent has been entered. Petitioner must go to the clerk's filing window to schedule a "Default Prove-Up" hearing. Petitioner must attend that brief hearing and submit the Judgment (FL-180) and Notice of Judgment (FL-190) papers. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/27/08.

19. 2:00 PM Case: CV34286 [S] BEATTY v LOPEZ
Type: DISSOLUTION WITH MINOR CHILDREN Date Filed: 12/12/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BEATTY, LISA M ATTY: IN PRO PER
RESP: LOPEZ, JOHN A P-36529 A2-228L ATTY: IN PRO PER
Service Date/Type: 12/28/07 PER Answer Date: 02/22/08

Tentative Ruling: The court does not have a proper mailing address for petitioner. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 11/17/08.

///

20. 2:00 PM Case: CV34518 [S] COMSTOCK v BROADBENT
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/18/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: COMSTOCK, PAULA J ATTY: IN PRO PER
RESP: BROADBENT, RODIE S ATTY: IN PRO PER
Service Date/Type: 04/10/08 CER Answer Date: 04/25/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/27/08.

21. 2:00 PM Case: CV34525 [S] SHATSWELL v SHATSWELL
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/19/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: SHATSWELL, LACIE ATTY: IN PRO PER
RESP: SHATSWELL, MATTHEW
Service Date/Type: 04/24/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 10/27/08.

22. **3:00 PM** Case: CV33040 [S] LAFAYER v LAFAYER
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/29/06
Event: SETTLEMENT CONFERENCE-FAMILY LAW

PETNR: LAFAYER, TOM ATTY: CALDERWOOD, BRUCE G ESQ
RESP: LAFAYER, ELIZABETH ATTY: AIROLA, STEVEN J ESQ
Service Date/Type: 12/15/06 PER Answer Date: 01/31/07

Tentative Ruling: There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.